

## Zoning Board Minutes

June 11, 2019

Announcement by the Chairman that the meeting is in compliance with the Open Public Meetings Act, Chapter 231, Public Law 1975. Adequate notice of this meeting has been provided to the Coaster and Asbury Park Press. All notices are on file with the Board Secretary.

Board Members in Attendance: Chris Avallone, Russell Lewis, Daniel Harris, Eric Galipo, Stephanie Hunnell, Chris Gonzales

Board Members Absent: Brittany Ashman

Board Staff: Jack Serpico, Board attorney, Doug Clelland (InSite Engineering), Donna Miller (CCH), Michele MacPhearson (State Shorthand), Irina Gasparyan, Board Secretary

- A. Minutes: Motion to approve minutes of April 9: Chris Second: Russell All members in favor  
B. Applications:

1. **Advanced Development Group, LLC (carried from April 23, 2019)**

**300-302 First Avenue, block 3306 lots 2 & 3, R1 Zone**

Site Plan, use variance, bulk variances for the construction of a five-story structure for 17 residential units with onsite parking.

-Record show letter from applicants' attorney requesting the application be carried, waiving all time constraints.

Motion to carry to July 23, 2019 without further notice: C. Avallone Second: R. Lewis

In Favor: Chris Avallone, Russell Lewis, Daniel Harris, Eric Galipo, Stephanie Hunnell, Chris Gonzales

Opposed: none

2. **Interfaith Neighbors (carried from April 23, 2019)**

**147 Borden Avenue, block 1101 lot 30, R1A Zone**

Use and bulk variances for a two-family use for the "Pathway to Home Ownership" Program

Hunt Perry, Esq for the applicant – the applicant's architect was not available tonight, requesting the application be carried.

1<sup>st</sup> Witness: Patrick Durkin, Director of real estate development for Interfaith Neighbors, sworn in  
Described Pathway to home ownership program

Avallone: are applicants families?

Durkin: Always a family.

Q of lot coverage with deck. Reduced size of garage. Not asking for any bulk variance, only use for 2 family

Exhibit A-1: Council Resolution #2016-329

Perry: submit into evidence

Hunnell: How does process of transition to home ownership work?

Durkin: access to homebuyer training, credit counseling, work with families after move into home to prepare to buy a home. Eligible for affordable housing.

Avallone: How long does program take?

Durkin: approx. 1 yr. run program for 27 years in Long Branch

No further Qs for witness

Public Qs: none

2<sup>nd</sup> Witness: Andrea Fitzpatrick, architect for applicant, sworn in

Exhibit A-2: Color elevation of project

Exhibit A-3: floor plan (A1 of site plan): Summarized floorplans & site plans, parking spaces, driveway

Perry: clarify exhibit is multipage document

Exhibit A-4: elevations of main house (A-2)

Exhibit A-5: Accessory structure (A-3 of plans)

Lewis: what is use of 2<sup>nd</sup> fl balcony

Fitzpatrick: space for chairs, step out, play, kind of like front porch

Galipo: # of required parking spaces? You're providing?

Fitzpatrick: 3. Providing 3

Gonzales: on 2<sup>nd</sup> page what is rear entrance?

Fitzpatrick: on elevation drawings- enter into door. Hard to see in drawings, door on side

Harris: proposed lighting?

Fitzpatrick: on every entry

Avallone: HVAC location?

Fitzpatrick: Rear, concealed

Avallone: how directing flow of water?

Fitzpatrick: Don't have topo info

Galipo: handled through engineering, resolution compliance

Professionals sworn in

Clelland: downspouts directed toward street, would require topo survey to be done

Lewis: landscape info, tree remaining?

Clelland: Qs from report re: construction detailing. To cover ROW improvements, any objections to add to plan?

Fitzpatrick: Speak to Durkin, could add those details to plans & direct landscaping Q's to him

No further board Qs for witness

Public Qs: none

Perry: Durkin called back to speak

Durkin: Will ensure grading toward street, not sure what type of tree

Miller: Catalpa tree, good health, benefit to save it

3<sup>rd</sup> Witness: James Higgins, Lic Planner for applicant, sworn in

Higgins: described objectives of program, suitability of use, substantial benefit

Exhibit A-4: Neighboring properties, Tax map

No further Qs for planner

Avallone: request to call back Mr. Durkin for questions; where are families from for application for program

Harris: fence

Open to public Qs:

Ernest Mignoli: do you think effort can expand to more areas of AP? Have plans to develop more for med income? Do you think this is good use of land?

Durkin: project & program is for this lot. One of challenges is fewer homes in west side. Don't have plans to expand this program. We think this is good use, that's why were here.

Comments from board:

Galipo: compliance to bulk requirements is commended. Incredible internal circulation, commend on approach to 2 family

Lewis: agree. Simplicity, charm to this. My usual concern w 2<sup>nd</sup> fl deck is alleviated w/ tree & size of deck

Avallone: Agreed. Approach is admirable

Hunnel: part impressed w/ Higgins testimony, think it will have positive impact, inherent beneficial use

Harris: applaud for interest in west side

Open to public comments:

Mignoli: answered questions already, impressed & happy with it.

Motion to approve: Avallone Second: Russell

In Favor: Russell Lewis, Daniel Harris, Eric Galipo, Stephanie Hunnell, Chris Gonzales, Chris Avallone

Opposed: none

Application **APPROVED**

Short recess

7:54pm Meeting Resumes

Roll Call

**3. Padraic Gallagher (carried from April 23, 2019)**

**1503 Park Avenue, block 3602, lot 12, R1 Zone**

Bulk and use variances for construction of rear deck

Kevin Asadi, esquire for applicant in place of Kevin Kennedy

Came back on advice of board with evidence of character of neighborhood, came back with a lot of additional evidence.

Avallone: one of concerns were privacy laws for other neighbors

Asadi: Will see privacy hedging & elements to address concerns

Lewis: what happens if future owners don't want privacy hedges?

Asadi: Just like anything else, property owner is responsible. Ask that view application with open mind

1<sup>st</sup> Witness: Robert Feinstein, Architect for applicant, sworn in

Asadi: Did you revise plans & have new exhibits?

Serpico: Make note for record that plans are signed & sealed by lic architect

Exhibit A-6: railing detail, planters, removed wooden platform

Exhibit A-7: (Z-3 of plans)

Exhibit A-8: (Z-4 of plans) shows plantings

Exhibit A-9: (Z-5 of plans) detail of fixed planters, revised fence

Exhibit A-10: drone photos of existing decks, look for similar bldgs. Surrounding area

Galipo: dimensions of deck

Feinstein: same, planters are taking up some of space

Lewis: have any example of unit w/ private backyard & 2<sup>nd</sup> fl deck?

Feinstein: pointed out such unit

Asadi: aesthetically pleasing?

Feinstein: unusual property, think its nice to have diff levels to bldg. Think it's a good solution, added more landscaping, barriers, there is existing deck

Hunnel: do planters/materials provide sound buffering?

Feinstein: Softer surfaces do absorb sound, would create some buffer

Avallone: do you think if 10 people up there It will muffle sound?

Feinstein: 10 people on ground floor or up there, if bad neighbors, the same

Asadi: how many ppl could deck fit comfortably?

Feinstein: depends on furniture

Galipo: variances are granted for benefit or for solution. Deck could be stairs leading down to backyard

Lewis: what is hardship? Why should we approve this?

Asadi: not asking on basis of hardship, asking for expansion of nonconforming use. Here, asking for a deck on a single family property. Main living area is on 2<sup>nd</sup> floor

Hunnel: Clarify that applicant testified that applicant has family gatherings & kitchen is on 2<sup>nd</sup> floor, in my opinion that is credible reason for deck. Enhancing property is goal of many in Asbury. Think they addressed concerns by decreasing size of deck.

Galipo: Agree w credible reasons. Think could use connection to backyard space

Lewis: available outdoor space in backyard. Potential for a lot of people, negative impact

Feinstein: explained light & shadow aspects of property

Harris: why no stairs to ground

Feinstein: would take up space from deck

Galipo: increasing outdoor space, concerns from board regarding size of the deck. Difficult to see relation

Miller: board planner, sworn in

Hunnel: what is the criteria

Miller: treated same as non permitted use. Bc of its circumstance as attached house, other physical attributes to justify. Seems like neighboring property has similar.

Asadi: has been held in expansion cases- for expansion of non-conforming use. Q of justification from board- even approved aesthetics would justify the use.

Serpico: board look @ CCH report 4/16/19, does specify court case and positive & negative criteria.

Serpico: What are variances required? Bulk, bldg. coverage

Miller: Lot coverage confirmed

Serpico: Side yard setbacks?

Feinstein: confirmed yes

Galipo: Zoning chart not updated; 981/3117= .31 bldg coverage. Needs to be updated

Miller: expansion of non conform use, sideyard setback variance, bldg. coverage, setback variance for hvac

Avallone: having difficulty getting positive criteria approved, how like to proceed?

Asadi: request recess to discuss

Avallone: Motion for 5 min. Recess      Second: Galipo

All in favor

8:56pm Meeting Resumes

Roll Call

Asadi: After discussing with team, we ask to adjourn and make some modifications

Avallone: no objection

Asadi: waive constraints under MLUL

Motion to adjourn to August 6, 2019: Avallone

Second: Galipo

All members in favor

Application **CARRIED**

Motion to adjourn: Avallone

Second: Galipo

All in favor

8:59 meeting adjourned